

Under the Act, as amended, EPA is required to develop criteria for the Administrator's certification of compliance with the 40 CFR part 191 disposal standards. On February 11, 1993, EPA published an Advance Notice of Proposed Rulemaking, 58 FR 8029, in the Federal Register requesting information and comments pertinent to the development of the compliance criteria.

On January 11, 1995, EPA Administrator Carol Browner signed the proposed compliance criteria rule. The 90-day public comment period began on January 30, the date the proposed compliance criteria rule notice appeared at 60 FR 5766 in Part II of the Federal Register, and ended on May 1, 1995. EPA opened a second public comment period on August 1, which ended on September 15, 1995 (60 FR 39131). EPA issued final compliance criteria on February 9, 1996, at 61 FR 5224-5245, approximately one year after proposal in the Federal Register. On March 29, 1996, EPA issued the Compliance Application Guidance (CAG) which provided DOE with specific guidelines regarding the format and content of the compliance certification application and a clear description of the information that EPA would need to make its certification decision. The guidance provided in the CAG is within the framework established by 40 CFR parts 194 and 191 and under the authority of the WIPP Land Withdrawal Act, as amended. On November 15, 1996, EPA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register at 61 FR 58499-58500, entitled "Decision to Certify Whether the Waste Isolation Pilot Plant Complies With the 40 CFR Part 191 Disposal Regulations and the 40 CFR Part 194 Compliance Criteria." The WIPP Land Withdrawal Act, as amended, requires the DOE to demonstrate compliance with EPA's disposal standards and to submit an application for certification of WIPP's compliance to the EPA Administrator. In submitting such an application, the DOE must meet the requirements of the EPA compliance criteria that will be used by the Agency to certify whether or not the WIPP complies with the radioactive waste disposal standards.

If EPA decides that the WIPP meets its radioactive waste disposal standards, then DOE may proceed with the opening of the WIPP. Following the opening of the facility and throughout its operational phase, DOE will be required to submit a re-certification application to EPA every five years. The Agency will review this application and determine whether the WIPP remains in

compliance with the disposal standards. The public will be permitted to inspect and comment on any re-certification application. By law, all public comments must be considered by the Agency prior to making a final decision on WIPP's continued operation.

Dated: January 15, 1997.

Rob Brenner,

Acting Assistant Administrator for Air and Radiation.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 194

[Docket No. PS-130; Notice 4]

RIN 2137-AC30

Notice of Public Hearing; Response Plans for Onshore Oil Pipelines

AGENCY: Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS), DOT.

ACTION: Announcement of public hearing; Correction.

SUMMARY: In proposed rule document 96-30316 beginning on page 60674 in the issue of Friday, November 29, 1996, RSPA did not include a full agenda. RSPA anticipates a discussion of the interim final rule 49 CFR part 194 in its entirety, including the issues identified in the following draft agenda. RSPA expects the meeting to be attended by a broad cross-section of the pipeline industry, as well as environmental groups, state environmental agencies, and other federal agencies such as the Environmental Protection Agency and the National Transportation Safety Board. The draft agenda is as follows:

January 29, 1997, 8:30 a.m.-4:30 p.m.

New Orleans Hilton Riverside in New Orleans, Louisiana

Opening Remarks

Definition of significant and substantial harm

Facility response plan requirements for pipelines transporting hazardous substances

Credit for secondary containment around breakout tanks

Update on RSPA breakout tank regulations, and adoption of API standards 650-653

Changing RSPA plan review cycle from three-year cycle to five-year cycle

Regulatory definition of "oil" for purposes of response planning

Requirement for secondary communications systems for emergency response

Jurisdictional issues for offshore pipelines

Planning for "a substantial threat of a discharge"

Distribution of exercise guidance document

Incorporating the PREP guidance into 49 CFR 194 by reference

Developing a tool to measure how pipeline operators implement their FRP

Adopting the National Response Team's Integrated Contingency Plan

Use of NAVIC-72 & EPA guidelines to assess response resources

Elimination of references to high/low volume port tiers

Requirement for response strategies/techniques

Adjourn

Issued in Washington, D.C. on January 14, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7202]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each